

MELINDA HAAG (CABN 132612)
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

EDWARD R. FLUET (CABN 247203)
Special Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5037
FAX: (408) 535-5066
E-mail: edward.fluet@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STIPULATION

The United States, by and through Special Assistant United States Attorney Edward R. Fluet, and defendant Mario Arias-Martinez, by and through Assistant Federal Public Defender Varell L. Fuller, hereby stipulate that, with the Court's approval, the status hearing currently set for October 17, 2013 at 9:00 a.m., shall be continued to October 31, 2013 at :00 a.m.

The reason for the requested continuance is that defendant has requested that the government review certain legal issues surrounding defendant's prior deportation that may affect the ultimate disposition of this matter. The parties should have a resolution by the October 31, 2013 court date.

111

**STIPULATION TO CONTINUE
13-CB-00063 DJL**

The parties agree that the time between October 17, 2013, and October 31, 2013, is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for continuity of counsel and effective preparation by government counsel.

IT IS SO STIPULATED.

Dated: October 16, 2013

/s/
EDWARD R. FLUET
Special Assistant United States Attorney

Dated: October 16, 2013

/s/
VARELL L. FULLER
Assistant Federal Public Defender

[] ORDER

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the status hearing shall be continued from October 17, 2013 at 9:00 a.m. to October 31, 2013 at 9:00 a.m.

THE COURT FINDS that failing to exclude the time between October 17, 2013, and October 31, 2013, would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time between October 17, 2013, and October 31, 2013, from computation under the Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the time between October 17, 2013, and October 31, 2013, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED

Dated: October **F**ⁱ, 2013

John Searle

THE HONORABLE D. LOWELL JENSEN
United States District Court Judge